

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-217178; B-217388**DATE:** February 5, 1985**MATTER OF:** Don Strickland's Consultant and
Advisory Service**DIGEST:**

Protests of solicitation restrictions filed by consultant who declines to identify its clients, on behalf of which protests were allegedly filed, are dismissed because under the circumstances the protester is not an interested party.

Don Strickland's Consultant and Advisory Service (Strickland) protests the specifications included in invitation for bids (IFB) DACA63-85-B-0044, issued by the Army Engineer District, Fort Worth, Texas, and IFB F05600-84-B-0036, issued by Lowry Air Force Base, Colorado. The solicitations are for the provision of lodging, meals, and transportation for Military Entrance and Processing Stations in Dallas, Texas, and in Denver, Colorado, respectively. The protests are dismissed.

Strickland contends that the solicitations' "area of consideration" specifications are unnecessarily restrictive and that they unduly limit the number of qualified bidders, in that they require that the facility offered be located within a 2-mile radius of the entrance stations and, thus, violate Federal Acquisition Regulation (FAR), § 14.101(a) and § 14.407-1, 48 Fed. Reg. 42,102 (1983) (to be codified at 48 C.F.R. §§ 14.101(a) and 14.407-1, respectively). The protester further contends that since the contractor must furnish all transportation, the distance of the facility from the entrance station should not be a significant factor in the evaluation of bids.

Strickland requests that these solicitations be amended to extend the geographical areas of consideration to at least a 10-mile radius, and that the bid opening dates be extended to 30 days beyond the effective date of the requested amendments. Concerning IFB F05600-84-B-0036, the protester states that the requested amendment to the solicitation will "allow adequate competition among small business facilities" and enhance the potential of the solicitation as a 100-percent small business set-aside.

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Strickland, which is located in Garner, North Carolina, contends that it is protesting these solicitations as a consultant on behalf of its clients, which it has declined to name. Strickland insists that the identity of its clients is a confidential matter and that regulations do not require disclosure of the names of prospective bidders on behalf of which a protest may be filed. However, nothing in the record before us indicates that Strickland actually represents potential bidders for the subject contracts.

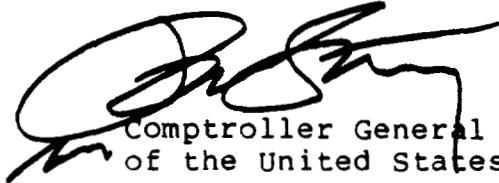
Under our Bid Protest Procedures, a party must be "interested" in order to have its protest considered by this Office. 4 C.F.R. § 21.1(a) (1984). Since Strickland has declined to reveal the potential bidders that it claims to represent and, being located in North Carolina, does not itself qualify to bid under the subject solicitations, even if the geographical area limitations were expanded as requested, the issue to be resolved in this case is whether the protester is an "interested party" as contemplated by the provisions of 4 C.F.R. § 21.1(a).

In determining whether a protester is sufficiently interested so as to permit our consideration, we examine the extent to which there exists a direct relationship between the questions raised and the party's asserted interest and the degree to which that interest is established. National Treasury Employees Union, B-216188, Sept. 10, 1984, 84-2 C.P.D. ¶ 278; Kenneth R. Bland, Consultant, B-184852, Oct. 17, 1975, 75-2 C.P.D. ¶ 242. Where there are intermediate parties that have a greater interest than the protester, we have generally considered the protester to be too remote from the cause to establish interest within the meaning of our Bid Protest Procedures. National Treasury Employees Union, B-216188, supra, 84-2 C.P.D. ¶ 278 at 2.

Under this rule, the potential bidders who could bid on these solicitations, if they were amended as Strickland requests, would be intermediate parties of greater interest in the expansion of the geographical limitation of the solicitations. Although a consultant who represents a bidder or potential bidder, under certain circumstances, may be considered to have a sufficient interest in the procurement sought by its client, in the absence of

evidence that Strickland, in fact, represents or is authorized to represent particular bidders, Strickland has not established its interest in these solicitations and, therefore, is not an interested party. See Kenneth R. Bland, Consultant, B-184852, supra, 75-2 C.P.D. ¶ 242; Professional Helicopter Pilots Association, B-208031.2, Oct. 22, 1982, 82-2 C.P.D. ¶ 363.

We dismiss the protests.



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